

**Congress of the United States**  
**Washington, DC 20515**

September 10, 2025

The Honorable Lori Chavez-DeRemer  
Secretary  
U.S. Department of Labor  
200 Constitution Ave NW  
Washington, DC 20210

Dear Secretary Chavez-DeRemer:

We write today to express our grave disappointment in your Department's decision to withdraw the proposed rule that would phase out remaining special certificates under Section 14(c) of the Fair Labor Standards Act (FLSA). As long as the subminimum wage program is allowed to continue, people with disabilities are denied their fundamental right to equal opportunity by being paid less than half the federal minimum wage on average with some making pennies per hour.<sup>1</sup>

In the past ten years alone, sixteen states have eliminated subminimum wages with more states taking steps toward meaningful reform.<sup>2</sup> As you noted during a recent hearing, the subminimum wage for workers with disabilities is not a partisan issue. This is further reflected through the nearly 18,000 comments on the proposed rule with an overwhelming majority support for phasing out special certificates under Section 14(c).<sup>3</sup>

Since the FLSA's enactment in 1938, opportunities and training have dramatically expanded to help people with disabilities obtain and maintain competitive integrated employment. The payment of subminimum wages no longer comports with modern disability policy, including the Americans with Disabilities Act of 1990 and the Workforce Innovation and Opportunity Act. The evolving workforce renders Section 14(c) obsolete as there are alternative programs that support the hiring of workers with disabilities, such as the Work Opportunity Tax Credit.

The Department of Labor's decision to withdraw this rule will continue to curtail the economic potential of Americans with disabilities and stands at odds with a skilled workforce this Administration seeks to promote. We urge you to change course and take meaningful steps to end subminimum wages for workers with disabilities.

Sincerely,



Chris Van Hollen  
United States Senator



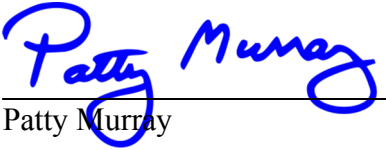
Bernard Sanders  
United States Senator

<sup>1</sup> [www.usccr.gov/files/2020/2020-09-17-Subminimum-Wages-Report.pdf](https://www.usccr.gov/files/2020/2020-09-17-Subminimum-Wages-Report.pdf)

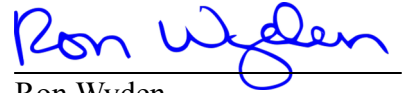
<sup>2</sup> <https://www.gao.gov/products/gao-25-106471>

<sup>3</sup> <https://www.regulations.gov/document/WHD-2024-0001-0001>

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Patty Murray  
United States Senator



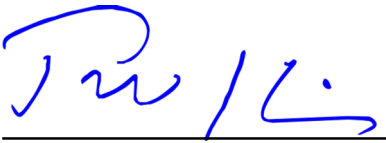
Ron Wyden  
United States Senator



Jack Reed  
United States Senator



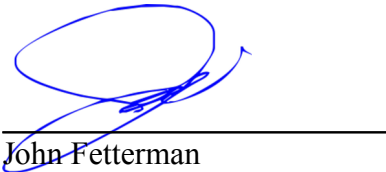
Kirsten Gillibrand  
United States Senator



Tim Kaine  
United States Senator



Elizabeth Warren  
United States Senator



John Fetterman  
United States Senator